

0013

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

September 17, 2013

Representative Margaret MacDonald, Chair
Senator Terry L. Murphy, Vice Chair
Senator Shannon J. Augare
Senator Scott Boulanger
Senator Robyn Driscoll
Representative Jenny Eck
Representative Ellie Boldman Hill
Senator Larry Jent
Representative Sarah Laszloffy
Representative Steve Lavin
Representative Dennis Lenz
Senator Scott Sales
Law and Justice Interim Committee
P. O. Box 201706
Helena, MT 59620-1706

Honorable Ladies and Gentlemen:

This refers to and extends my verbal comments in the committee meeting of July 10, 2013, where I spoke briefly not as an interested party by employment or investment, nor as a relative of a prisoner, but as a Montana citizen and taxpayer.

To the Montana Department of Corrections (MDOC) and its contractors, a prisoner restored to society is an income stream lost. Contractors include both the operators of private prisons and contractors providing surveillance, monitoring, supervision, and treatment of prisoners released before final discharge of their sentences under threat of reincarceration. County jails also temporarily house prisoners under contracts with MDOC. Also, the American Correctional Association (ACA) provide fee-based accreditation services to the Montana Board of Pardons and Parole (BOPP).

In the July 10, 2013, committee meeting Fern Osler, the career Executive Director of the BOPP, made much of its ACA accreditation. ACA is an incarceration industry booster organization. ACA accreditation is available only to ACA members. It is fee based, not honorific. The attached ACA letter shows that as of January 1, 2009, on top of membership fees, the fee for the accreditation process is \$3000 per day + \$1500 per auditor, apparently aside from travel reimbursement, for a 3-year accreditation. Ms. Osler did not disclose that, but the amount is paltry compared to the cost to taxpayers of other BOPP devices.

I have provided several probationers and parolees a free place to reside upon their release while they get on their feet—that is, get employment, transportation and insurance, and get together needed household goods and cash from employment to rent a place of their own. I am still helping prisoners in that way to get on their feet after discharging their sentences, but I have reluctantly had to stop providing parolees a place to stay due to arbitrary requirements of the BOPP and its field officials as alluded to in my attached public record request to Ms. Osler. They make parole into a minefield of technical violations.

MDOC's own data in its 2013 Biennial Report (page 4) shows that 93.9% of revocations are for new offenses; 93.9% are for technical violations.

Law & Justice Committee Meeting
September 20, 2013 - Day 2

Exhibit 6

Currently parolees essentially rent their freedom from MDOC contractors--falling behind on payments results in parole revocation. I encountered such a revocation based on a technical violation as follows:

When granting a parole, BOPP puts conditions on parolees beyond those of their sentences. Often these include requirements for parolees to take group counseling from for-profit contractors, even if the parolees had already completed those groups in the Montana State Prison (MSP) to be eligible for parole. I attached to written comments I made to the previous LJIC in 2011, documentation of an instance of this which led to parole revocation by BOPP when I took a parolee to the St. Vincent Hospital Emergency Room without his parole officer's (PO's) permission. Upon discharge from the hospital about ten days later, he attended his next scheduled group counseling session, where his progress was documented as Satisfactory with one exception: having had an interruption in income, he had no money to pay. For that sole reason, the next day he was expelled from the group. His PO thereupon had him arrested for not attending, not even waiting for him not to attend his next scheduled session, and BOPP revoked his parole for that sole reason.

If not technically debtors' prison, revocation of parole for failure to pay a MDOC contractor is its fraternal twin. Although I had full documentation of only that one instance, I believe that it is not the only instance of using incarceration to enforce payment of MDOC contractors' fees: certainly neither Ms. Osler nor Mike McKee, the Chairman of BOPP, asserted that that revocation procedure was invented for that one parolee. Instead, as shown in two attached letters of mine, to which I have received no response, it is so important to field parole officials to conceal that they are willing to break the law to do so.

Those two letters show that Ms. Melia was not acting as a rogue parole officer, but her acts and neglects resulting in reincarceration were supported and abetted by her supervisor in Billings. Nor does that culture of lawbreaking by MDOC officials extend only to denying public requests for copies of public records, it even extends to not processing requests to transfer parole to other states under the interstate compact, as shown by the attached letter of July 18, 2012, to Diana Koch, MDOC Chief Legal Counsel. Not only is restoration of a prisoner to society an income stream lost to MDOC and its contractors, so is a parolee lost to the supervision of a different state. That letter also illustrates that Ms. Koch not only represents--at taxpayer expense--MDOC officials who break the law, she herself also personally participates in the same lawbreaking. My attached letter of July 16, 2013, to which I have received no response, shows that that organizational culture to sustain and increase revenue for incarcerations extends to the Director of MDOC.

Also, as shown by my attached letter of July 20, 2013, to Ms. Osler, to which she has not responded at all, she has public records to hide--or hide the nonexistence of them, e.g., any authority for parole officers in the field to add to BOPP's parole conditions--that Ms. Osler is willing to break the law to hide. The way things are administratively within the Executive Branch, only the Legislature--currently through this Committee--has the ability to exercise oversight of the BOPP and its subordinate field organizations. I hope that this Committee will have better success than I have in getting information from BOPP and MDOC officials!

It has been much easier for me to get information from private contractors with MDOC, which have no legal obligation to provide it, than from public officials who do. Eager to advertise to investors its prospects for ever-increasing profits, the Corrections Corporation of America (CCA), which owns and operates the prison at Shelby under contract with Montana, acquired Correctional Alternatives, Inc., in August to profitably provide "housing and rehabilitation through community corrections" after prisoners' release from incarceration until they ultimately utterly discharge their sentences.

The CCA website refers to "partnership corrections." We learned something about what is meant by this when MSP Warden Mahoney left government employment and transitioned direct to a position with CCA in Shelby. CCA's new ability to reincarcerate parolees in contracted facilities through BOPP action at any time until discharge of their sentences will provide expanded opportunities for profitable "partnership corrections". As a for-profit corporation responsible to its shareholders, not to Montana taxpayers who pay for its activities, it must be expected to make the most of those opportunities.

As shown by my attached letter to the Director of MDOC, which he has not answered, in trying to quantify the damage to taxpayers, I have been stonewalled by MDOC officials as well as BOPP. I also attach copies of three unanswered letters to two Gallatin County officials involved in incarcerating Montana state prisoners under contract. My experience is that officials who hide things have things to hide.

This came to my attention through an instance of another perverse procedure in use by MDOC and its contractors for maintaining and increasing public funding levels for incarcerations involving probationers in addition to parolees: that when a person is sentenced to MDOC--not specifically to the Montana State Prison (MSP)--and must complete group counseling while incarcerated to be eligible for parole or probation, MDOC can move the person from MSP to a private contracted prison where the group is unavailable so that he cannot become eligible for parole or probation.

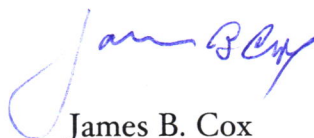
I learned of this upon offering a discharging prisoner a place to stay as a houseguest in Billings while he got on his feet. Instead of being released as scheduled, he was moved to a contracted jail in Cascade County, then to MSP. Wondering how that could happen, I purchased a copy of his court records in Bozeman from his sentencing forward. I attach a copy of the resulting affidavit that I filed with the court concerning the situation. A hearing is scheduled in November on the County Attorney's motion to revoke suspended sentence.

Although the results of this committee's work may not benefit that particular prisoner, I hope and expect good things to result from bringing to light the methods used to keep prisoners who are discharging their sentences. The "partnership corrections" that CCA advertises and other incarceration contracts that MDOC maintains are integral parts of the system for maintaining and expanding the imprisoned population and the burden of it on Montana taxpayers. I have not mentioned any certain prisoner above (though I have not redacted the attachments) because my concern is not limited to any individual.

I look forward to appearing before the Law and Justice Committee on Friday, September 20 to comment on these matters. I am providing these written comments and the attachments in advance to help answer any questions you may have of me concerning BOPP's maintaining and expanding prison populations by using technical violations to revoke paroles and also by MDOC's use of private contracts to revoke suspended sentences.

Thank you for the opportunity to comment to the Law and Justice Interim Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "James B. Cox".

James B. Cox

Attachments (28 page sides)

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

Certified mail - Return Receipt Requested

October 4, 2011

Ms. Melanie Melia
Montana Department of Corrections
2615 4th Avenue South
Billings, MT 59101

Dear Ms. Melia:

This is a request for a copy of public writings under Montana Code Annotated 2-6-102 and its following paragraphs. I am a citizen of Montana residing at the address above. I hereby agree to pay up to \$50 for copies of the public records I request below.

Yesterday I repeatedly left voicemail for you at 896-5443 in your office hours concerning the medical condition and hospitalization of probationer or parolee Jack Griffin who is to report to you. You did not return my repeated calls; instead when I finally reached you at 208-9297 after normal office hours, you accused Mr. Griffin to me of "ignoring" your calls "all day." Please send me a copy of any public record showing such calls to him that you claim to have made. Please also send me a copy of any regulation or other authority in use by you concerning emergency medical treatment of probationers/parolees under your supervision.

In that phone conversation, I told you Mr. Griffin's room number, R-510, at St. Vincent hospital, where there is a hard-wired telephone. Please send me a copy of any public record of any phone call you made to him there. You certainly did not while I was in the room, but I was absent from it for some while as in that phone conversation with me you directed me to go get a battery charger for Mr. Griffin's assigned electronic anklet, and I obeyed that direction of yours. Please send me a copy of any public record showing your authority to so direct me.

Absent such authority to direct me, your direction seems on the surface to be a baseless power assertion serving only to gratify your ego, but it may indicate something worse: to the Department of Corrections a prisoner released is a revenue stream lost; as a whole, your actions concerning Mr. Griffin are consistent with a goal of protecting the revenue stream he provides, e.g., when Mr. Griffin's employer drove him from his worksite to lunch at a fast food outlet, I was astonished to be verbally told that you portrayed that as a violation. Please send me a copy of any public record showing violations of Mr. Griffin's that you allege so far.

Mr. Griffin's petition to the Montana Supreme Court for a writ of habeas corpus shows an instance of the Department of Corrections adding to a prisoner's sentence. Your actions seem an instance of adding to a prisoner's conditions for parole or probation. Therefore, please send me a copy of any public record showing such conditions for Mr. Griffin. Mr. Griffin was abruptly transferred from Shelby to your supervision soon after filing that petition; if the purpose was to find a way to extend his incarceration and avoid losing the revenue of it despite that petition, your actions seem consistent with that purpose.

Finally, in our phone conversation, you would not answer when I asked you if it was being

recorded. Please send me a copy of any regulation or similar authority you use concerning recording conversations on official telephones and retention of such recordings.

Finally if the fee for providing me the copies I request above will be more than \$50, please send me a copy of the regulation or other authority used in setting those fees. I look forward to receiving the requested copies from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "JBC", is positioned above the printed name.

James B. Cox

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

October 11, 2011

Ms. Melanie Melia
Montana Department of Corrections
2615 4th Avenue South
Billings, MT 59101

Dear Ms. Melia:

This refers to my certified letter of October 4, 2011, to you at your address above containing my request for copies of certain public writings under Montana Code Annotated 2-6-102 and its following paragraphs and my agreement to pay for those copies. Although you did not sign the return receipt personally, your swift and severe reaction to my request in telling Jack Griffin to "fire" me as his sponsor and have no further contact with me makes clear that you received it, so there is no need to certify this one. I look forward to receiving the requested copies from you in accordance with law.

I have provided Mr. Griffin rides to work, to church, and to assigned counseling sessions all as scheduled and approved by you, and to the hospital--where he still is today--which was not scheduled or approved by you. Your astonishing reaction on the phone seeking to construe his hospitalization as a violation was the direct and proximate cause of my request to you. I can understand how my asking you on the phone to ascertain direct from the hospital Mr. Griffin's exact time of arrival there frustrated your ability to say that I lied to you about his time of arrival and facilitate his reimprisonment.

Your instructing Mr. Griffin to tell me about having no further contact with me is disingenuous and disingenuous, that if he did so you could deny having said that, and if he did not tell me you could construe that as willful disobedience to your orders. Mr. Griffin obeyed you by conveying your instructions but also told me that they originated with you. They conflict with the Department of Corrections' published goals.

Ms. Melia, my visiting Mr. Griffin in the hospital and giving him transportation to his scheduled work, counseling appointments, and church services helps integrate him into the community and promotes positive change in his behavior in accordance with the Montana Department of Corrections goals published at <http://www.cor.mt.gov/> and does nothing to interfere with its other two published goals enhancing public safety and supporting the victims of crime. It is clear that restoring prisoners to society cuts off revenue to the Department of Corrections for incarcerating them.

Ms. Melia, your official actions are inconsistent with the Department of Corrections published mission statement and consistent with an underlying motivation of protecting the Department of Corrections revenues by reincarcerating prisoners you supervise. Although you may be used to intimidating the families of men under your supervision, I hope you will obey the law by providing me the copies of public records that I requested from you.

Sincerely,

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James B. Cox

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

April 18, 2012

John Williams, Regional Administrator
Montana Department of Corrections
2615 4th Avenue South
Billings, MT 59101

Dear Mr. Williams:

This refers to my several letters to you and your subordinate Ms. Melanee Melia of October 4, 2011, and following in which I properly requested copies of public records. I still have not received them.

Through Jack Griffin's parole violation hearing in February, I did, however, learn some of the devices used to reincarcerate parolees, and have separately learned that 94% of parole violations for which prisoners are reincarcerated are technical, not violations of law. In Mr. Griffin's instance, he was alleged to be in violation of State Parole Rules 3, 24, and 37, showing that there are at least 37 such rules in addition to the 18 paragraphs of conditions imposed on Mr. Griffin by the Board of Pardons and Parole, yet I cannot find those State Parole Rules published anywhere.

Please tell me where they are published, or if they are normally concealed from the public, please process this as a request for copies of public records in accordance with Montana Code Annotated 2-6-102 and its following paragraphs.

Also, I have learned that among the conditions specifically imposed on Mr. Griffin by the Board of Pardons and Parole was one which pertained to me: that in order to accompany Mr. Griffin as I did in accordance with his approved agenda to Walmart and grocery stores--both places "where children are present or reasonably expected to be present" in the words of the parole condition--I was required to be "appropriately trained" and approved by both Ms. Melia and Mr. Griffin's treatment provider, Robert Bakko. I was not so trained; until Mr. Griffin's hearing I did not know that I was ever approved by Ms. Melia, or that that approval was subsequently rescinded, or why. I saw at that hearing, and a board member verbally alluded to, a document naming me which was forwarded from Billings. After receiving a copy of the recording of the hearing, I asked the Executive Director of the Board of Pardons and Parole for a copy of that document, but am told that it was no longer in the possession of that board.

Therefore, please send me a copy of any documents naming me which pertain to Mr. Griffin's parole or violation of it and a copy of the normal "appropriate" training given to community volunteers, in accordance with MCA 2-6-102 and its following paragraphs.

If Mr. Griffin survives his current period of incarceration and is released to the Billings area for heart surgery as he has been led to hope will happen, I intend to again provide him transportation as scheduled with his parole officer and accompany him. Therefore, please provide me the requested documents timely, lest a lack of such training and approval form

the next technical reason for reincarcerating him anew.

Sincerely

/s/

James B. Cox

cc: Jack Griffin, AO No. 21755
Montana State Prison
700 Conley Lake Rd.
Deer Lodge, MT 59722

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

July 18, 2012

Diana Koch, Chief Legal Counsel
Montana Department of Corrections
5 South Last Chance Gulch
Post Office Box 201301
Helena, Montana 59620-1301

Dear Ms. Koch:

Around the end of March 2012, Jack Griffin, AO# 21755, being incarcerated in the Montana State Prison at Deer Lodge but knowing that due to the circumstances set forth in my letter to you of July 11, 2012, that he would be released on probation, made out an application for transfer of his probation under the Interstate Compact to Buchanan County, Missouri, where his family resides. He was told that that application could not be processed without payment to the Montana Department of Corrections (MDOC) of a fee of \$50, which he did not have and I was forbidden by MDOC regulation to send to him for that purpose. I did, however, send Billings Federal Credit union cashier's check #526122 in the amount of \$50 payable to the Montana Department of Correction for that processing fee direct to Cathy Gordon, Deputy Interstate Compact Administrator, at Post Office Box 201301 in Helena, Montana 59620, on April 6, 2012, as directed by MDOC official Tim Crum by telephone at 406-846-1320 extension 2318 in the Montana State Prison (MSP) on April 5, 2012.

On Monday, July 16, 2012, Mr. Griffin learned that his application had not been received in Missouri. I transported him to see his probation officer in Billings, Ms. Werhonig, at the Probation & Parole office at 2615 4th Avenue South, Billings, Montana 59101, where he signed the hard copy seriatim log kept in the waiting room of her office, but was told she was unavailable. On Tuesday, July 17, I asked that credit union for a copy of the obverse and reverse sides of that cashier's check, but was told it had not been cashed. On Wednesday, July 18, 2012, I again transported Mr. Griffin to see Ms. Werhonig at that office, where he again signed that log, but was again told she was unavailable. When he asked the receptionist for a blank form to fill out for the transfer of his probation to Missouri under the Interstate Compact, he was told that hard copy forms did not exist, that application could only be made online, and that only his probation officer, Ms. Wehonig, could make out the online application for him, that he would have to see her about it when she is "available."

I have previously observed to the Law and Justice Interim Committee that to MDOC and its contractors, an offender restored to society is an income stream lost. Now I understand that a probationer transferred to the supervision of another state is also an income stream lost to MDOC and its contractors. To better bring to light for that committee and the public the mechanisms used by MDOC to retain probationers and the income they generate for that department and its contractors, please provide me a copy of the following public records:

1. a copy of the procedures in use by MDOC on April 5, 2012, for complying with that Interstate Compact, including a copy of the hard copy form to be filled out by prisoners in MSP to apply for release to locations outside Montana under that compact,
2. a copy of any procedures currently in use by MDOC that require that applications for transfer of probation supervision under that compact must be made online by a probation

officer, and

3. a full copy of that compact itself as entered into by Montana.

I request these copies of public writings in accordance with Montana Code Annotated 2-6-102 and its following paragraphs. I am a citizen of Montana residing at the address above. I hereby agree to pay up to \$25 for a copy of the records that I request above; if the charge will be more than that, please send me a copy of any public record showing the basis for it. I look forward to receiving these copies from you timely as I remain apprehensive about Mr. Griffin's risk of being reincarcerated on some pretext after he is medically discharged following his cardiac surgery, as was done to him previously after hospitalization in Billings.

Sincerely,

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James B. Cox

bc:



AMERICAN CORRECTIONAL ASSOCIATION

206 NORTH WASHINGTON STREET, SUITE 200 • ALEXANDRIA, VIRGINIA 22314
703 • 224 • 0000 FAX: 703 • 224 • 0010

WWW.ACA.ORG

November 20, 2008

To Whom It May Concern:

The American Correctional Association (ACA) recently completed an analysis regarding the overall costs of conducting accreditation audits in today's economy. It has been over a decade since a study of this type has been conducted.

The analysis focused on three areas: fuel, airfare and hotel expenses. For example, in 1998 the approximate cost for an average domestic round trip airline ticket was \$280.00 compared to an average cost of over \$500.00 today, plus additional baggage fees. Fuel cost approximately \$1.07 for a gallon compared to much higher prices today. A moderately priced hotel room was around \$69.00 in 1998 and averages \$135.00 today. Over the past decade during these economic changes, ACA has only made minor changes to the accreditation fees.

Effective January 1, 2009 accreditation fees will be adjusted. The cost to an agency will be \$3000 per day, plus \$1500 for each auditor on the audit team regardless of the size or type of facility. The fees represent the total cost for a three year accreditation. Travel to the conference will still be an option that can be included in the contract.

While some agencies may experience an increase in accreditation fees, many will benefit from the new fee schedule. For example, on many occasions agencies could schedule two facilities during the course of one week. Agencies that are able to use this approach will see an immediate savings with the new structure. Additionally, agencies will remain eligible for discounts on the professional fee based on the number of facilities being accredited within the parent agency.

Facilities that have signed contracts that extend beyond the effective date for the new fee schedule will be honored. However, agencies will have the option of restructuring their contract and selecting the new fees if it is to their advantage. All new contracts executed after the effective date will fall under the new fee schedule.

Thank you for your support of the American Correctional Association and the accreditation process. We look forward to continuing our partnership with you and providing you with the upmost professional service.

Sincerely,

James A. Gondles, Jr.
Executive Director

conditionally freed convicts are assigned to attend counseling; and (4) a copy of any contract in effect between Montana or any Executive Branch suborganization and providers of rental electronic shackles in the Billings, Montana area. Thank you very much for your attention to this. I look forward to timely receiving from you the copies responsive to this request.

If you have any questions about this, please write to me at my address above.

Sincerely,

/s/

James Cox

James B. Cox
2822 Poly Drive
Billings, MT 59102

August 8, 2013

Gallatin County Attorney Marty Lambert
Judge Guenther Memorial Center
1709 West College
Bozeman, Montana 59715

Dear Mr. Lambert:

This is a request for a copy of public writings in accordance with Montana Code Annotated 2-6-102 and its following paragraphs, which implement Article II, Section 9 of the Constitution of the State of Montana. I am a citizen of Montana residing at the address above. If copies of the public records that I request below are already publicly posted somewhere, please tell me where to find them. If not, I hereby agree to pay up to \$40 for copies of them. If the fee for providing me the copies will be more than that amount, please send me a copy of the regulation or other authority used in setting those fees.

This refers to our brief conversation of Wednesday morning in the hallway outside the courtroom where Devon Arnaud's bail reduction hearing was held, after you kept several ladies who followed me out of the courtroom from speaking with me sent them away after the first of them had introduced herself to me. Please send me a copy of any authority you had to do so.

In that conversation, when you told me you had been a lawyer for over thirty years and I responded that you behaved like it, please understand that I have heard various lawyers interfere with communication in order to preserve and extend contention and avoid restoration. In interfering with my communication with those ladies--which one of them initiated--you behaved just like such lawyers. To disinterested persons, the worse the injury, the more is restoration needed by victims. In that hearing, you said, "This is not a case for restorative justice." Please send me a copy of any public record from the last two years in which you said that a case in which you were involved was a case for restorative justice. It may be that that would conflict with your official duties. Please send me a copy of the duties of your current official position and a copy of your oath of office, if there is one.

In that conversation, I brought up another instance interference with my communications. Attached is a copy of the letter to Sheriff Gootkin that I told you that I would write to him. I have decided not to indulge your expressed desire that I communicate with the Gallatin County Sheriff's Department by nonrecord means and without evidence. If you have any authority to direct me to do so, please also send me a copy of that.

I look forward to receiving from you copies of the public records responsive to this request.

Sincerely,

/s/

James B. Cox

Attachments (3pp)

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

July 16, 2013

Mike Battista, Director
Montana Department of Corrections
5 South Last Chance Gulch
Helena, MT 59602

Dear Director Battista:

This is a request for a copy of public writings in accordance with Montana Code Annotated 2-6-102 and its following paragraphs, which implement Article II, Section 9 of the Constitution of the State of Montana. I am a citizen of Montana residing at the address above. If copies of the public records that I request below are already publicly posted somewhere, please tell me where to find them. If not, I hereby agree to pay up to \$50 for copies of them. If the fee for providing me the copies will be more than that amount, please send me a copy of the regulation or other authority used in setting those fees.

The Montana Department of Corrections has had a culture of secrecy about its operations and contractor relationships even to the point of breaking the law. I hope for that to change under your directorship. I don't know which of your subordinate officials would have a copy the contracts that I request below. The reason I am requesting them is that I have encountered an instance of a prisoner who is required to complete a certain group course before release has been prevented from completing it by being moved from the Montana State Prison where it is conducted to other locations where it is apparently not.

On April 2, 2013, I offered that man a place to reside as my houseguest at my address above upon his release until he can get on his feet with a job, transportation, and enough earned money to get a place of his own. I have done the same successfully for many others. I realize how this volunteer community assistance reduces opportunities for reincarceration, but it accords well with the Montana Department of Corrections' published mission statement that it "enhances public safety, promotes positive change in offender behavior, reintegrates offenders into the community and supports victims of crime."

I have already requested a copy of the contract between the Montana Department of Corrections and Robert Bakko, doing business as Northwest Counseling, but it has been unlawfully withheld. The situation giving rise to that request was that when, due to hospitalization, a parolee was unable to pay counseling fees at a group session when due, he was expelled from the group the following day and the day after that arrested for violating his parole by nonattendance, and then reincarcerated for that sole reason. I am told that Michael Sullivan may hold a similar contract--indeed, one may cover his entire practice.

Therefore, please send me (1) a copy of the contract between Montana or any Executive Branch suborganization and the Corrections Corporation of America applying to the facility at Shelby, Montana, which was in effect between November 1, 2012 and July 15, 2013; (2) a copy of any contract in effect between Montana or any Executive Branch suborganization and the Regional Prison at Great Falls, Montana, in effect during the same timeframe; (3) a copy of any contract currently in effect between Montana or any Executive Branch suborganization and Michael Sullivan, MSW, under which probationers, parolees, and other

conditionally freed convicts are assigned to attend counseling; and (4) a copy of any contract in effect between Montana or any Executive Branch suborganization and providers of rental electronic shackles in the Billings, Montana area. Thank you very much for your attention to this. I look forward to timely receiving from you the copies responsive to this request.

If you have any questions about this, please write to me at my address above.

Sincerely,



James Cox

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

July 20, 2013

Fern Osler, Executive Director
Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

Dear Ms. Osler:

This is a request for a copy of public writings in accordance with Montana Code Annotated 2-6-102 and its following paragraphs, which implement Article II, Section 9 of the Constitution of the State of Montana. I am a citizen of Montana residing at the address above. If copies of the public records that I request below are already publicly posted somewhere, please tell me where to find them. If not, I hereby agree to pay up to \$50 for copies of them. If the fee for providing me the copies will be more than that amount, please send me a copy of the regulation or other authority used in setting those fees.

Some while ago, when I gave a parolee a place to stay while he got on his feet upon release from prison, after visiting my house his parole officer said that I would have to disable my security system for him to have my house as his residence. Since that requirement was sudden and the man had no other place to reside, I complied. That parole officer did not demand a key to my house, but in another instance I know of, a parole officer did demand a key to a parolee's apartment. Recently I purchased from a court the sentencing order of an offender whom I've offered a place to stay upon his release, which was a form with conditions to be checked or filled in by the judge. It said in a checked pre-written paragraph, "If the defendant resides with other persons, all places in the defendant's residence where the defendant has access are subject to search, even those private rooms of other persons with whom the defendant resides, unless those rooms are locked and the defendant does not have access to those rooms." Therefore, I will install interior locks.

For a parole officer to have a key to my house was not shown as a condition, nor was the absence of a security system shown as a condition. It is unclear to me whether those (and possibly other) conditions are added to the sentence by the Board of Pardons and Parole or whether parole officers in the field are authorized to do so. Therefore, please provide me a copy of any authorization for parole officers in the field to add to parole conditions made by the Board and a copy of any authority for the Board to add conditions to a sentence. If you have any questions about this, please write to me at my address above.

Sincerely,

151

James B. Cox

GALLATIN COUNTY CLERK
OF DISTRICT COURT
JENNIFER BRANDON

2013 JUL 13 AM 10 41

FILED

BY

DEPUTY

James B. Cox
2822 Poly Drive
Billings, Montana 59102
Telephone: 406-652-4025

*for confirmed
copy. Stamped
envelope enclosed.*

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

THE STATE OF MONTANA

Plaintiff,

v.

DEVON WAYNE ARNAUD

Defendant

CAUSE No: DC 07-125C

JUDGE:

AFFIDAVIT OF JAMES B. COX

WITNESS FOR THE DEFENDANT

James B. Cox, being first duly sworn, upon oath deposes and says:

I am a disinterested witness in this case. I have no financial interest in incarcerating nor supervising Defendant Devon W. Arnaud, neither directly through employment nor indirectly through stock ownership in any private prison corporation. Neither do I have any financial interest in his freedom, except in common with all my fellow Montana taxpayers, to restrain increases in our state taxes due to expanding the incarceration system in Montana.

As shown in Exhibit 1 hereto, on April 2, 2013, I offered Mr. Arnaud a place to stay as my houseguest upon his release from prison. At that time he was incarcerated in the private prison in Shelby, Montana. Receiving no response from him, on April 14, 2013, I wrote to him there again, as shown in Exhibit 2. Still not receiving any reply from him, on June 5, 2013, I wrote to him again as shown in Exhibit 3. I did not receive any response to that letter either; I do not know whether he was allowed to receive them. However, I will send him a copy of this affidavit with them attached.

On Monday, July 8, 2013, I heard indirectly that an effort was underway to keep Mr. Arnaud imprisoned beyond his discharge date of July 17, 2013. Therefore, on Tuesday, July 9, 2013, I telephoned to the Clerk of the 18th Montana District Court to learn the cause number through which he was imprisoned, and was openly told it. On Wednesday, July 10, 2013, I traveled to Bozeman, Montana, and purchased a copy of the court records in this case from the sentencing order forward. At that time this court had no record yet of a date set for a hearing on the petition to revoke Defendant Arnaud's suspended sentence.

I had heard about various devices used by officials of the Montana Department of Corrections to maintain and expand the prison population in Montana despite falling conviction rates, including requiring prisoners to complete certain "groups" to be eligible for parole and then not allowing prisoners to attend them. But never until reading the court records in this case did I see evidence of that device in action.

I had phoned and left voicemail for a professional counselor in Billings concerning continuing treatment for Mr. Arnaud on a private, outpatient basis. Not having heard back from

him, upon reading the court records in this case, on July 12, 2013, I wrote to that professional counselor as shown in Exhibit 4. On July 13, 2013, I wrote to Mr. Arnaud in the Montana State Prison as shown in Exhibit 5. On July 14, 2013, I wrote to Probation/Parole Officer Monty Warrington at the address shown on his affidavit of March 21, 2013 in this case, 3800 Ulm North Frontage Road in Great Falls, Montana, as shown in Exhibit 6 hereto.

On July 15, 2013, I wrote to Gallatin County Attorney Marty Lambert as shown in Exhibit 7 hereto. Also on July 15, 2013, I spoke very briefly with Mr. Arnaud when he telephoned from the Montana State Prison. In that telephone call he verified what I expected--that he had never applied for parole in Great Falls--and told me he had never spoken with or even knew of a Probation/Parole Officer Warrington there. When I asked Mr. Arnaud to tell me when he was to have a hearing on Mr. Lambert's petition, he told me he expected to be moved from Deer Lodge to Gallatin County imminently.

On July 16, 2013--the day before Mr. Arnaud was due to be released from prison before Mr. Lambert's petition to revoke his suspended sentence interfered--I was told by the telephone receptionist of the Public Defender's office in Bozeman, Montana at 582-2450 that they could not tell me whether or not Mr. Arnaud is allowed a public defender--even though he is at risk of 10 years incarceration--much less tell me who might be assigned. That same day, July 16, 2013, I saw at <https://app.mt.gov/cgi-bin/conweb/conwebLookup.cgi?docid=3001508> that Mr. Arnaud was still being held at the Montana State Prison. To make sure, I also accessed at <http://webapps.gallatin.mt.gov/ArchonixXJailSites/ArchonixXJailPublic/Default.aspx> the inmate roster of the Gallatin County Detention Center in Bozeman--where Mr. Arnaud would be

accessible to a public defender if he is allowed one--and saw that he was not listed as an inmate.

I can well understand how assigning Mr. Arnaud without his knowledge to parole to a city where he has no offer of residence, no job, no transportation, and no community involvement would make his reincarceration easier to accomplish on technical grounds if that is the Montana Department of Corrections' goal. I was surprised that technical grounds would be effected to prevent him ever leaving prison, but now I am told that the procedure he is experiencing is commonplace.

In the legislative hearings leading to enactment of Senate Bill 3 calling for an interim study of the Montana Department of Corrections and Board of Pardons and Parole (which study is currently underway) I heard a comment from the wife of a prisoner that the Board of Pardons and Parole required her husband to successfully complete a certain "group" while incarcerated as a precondition of being granted parole, but the Montana State Prison would not let him participate in it by putting him on the waiting list for it but repeatedly moving him down on the list. Ms. Fern Osler of the Board of Pardons and Parole responded that that Board did no wrong and could do no wrong to any prisoner as all it could do was, at its discretion, to release a prisoner early, before the discharge date stated in his sentence. But in this case, the prisoner, Mr. Arnaud, has reached his discharge date without parole.

Also, I heard of parolees being required by parole officers to repeat courses or "groups" already successfully completed while imprisoned as a condition of remaining on parole. Indeed, I personally know of, and commented on in those hearings, an instance in which a parolee was attending such counseling from a Montana Department of Corrections contractor as assigned in

order to remain on parole until that parolee was hospitalized in Billings. Upon his discharge from that hospitalization, he attended the next scheduled group session, where his progress was documented as satisfactory but due to his hospitalization, he was unable to pay the contractor's fee. The very next day, he was expelled from the group for that sole reason. He was thereupon jailed by his parole officer for nonattendance of the continuing group counseling by a Montana Department of Corrections contractor which was required by his parole officer. His parole was revoked by the Board of Pardons and Parole for the sole reason of that nonattendance and he was reincarcerated. That is, ultimately, he was reincarcerated for failure to pay a required fee to a Montana Department of Corrections contractor.

Therefore, also on July 16, 2013, I wrote to Montana Department of Corrections Director Battista as shown in Exhibit 8 hereto. I hope and expect to receive the copies of public records I have requested from Messrs. Warrington, Lambert, and Battista timely to provide them to Mr. Arnaud to present to this court in his eventual hearing on Mr. Lambert's petition to revoke his suspended sentence.

The procedure used in this case, whereby Mr. Warrington sent to Mr. Lambert an affidavit in March in support of a petition for revocation which did not exist at that time, and Mr. Lambert held it until July--2-1/2 weeks before the defendant was due to be released from prison-- before filing such petition and even then did not serve the defendant a copy of his filing-- and has not done so yet--without any hearing before the defendant's scheduled date of release from prison continues the defendant's incarceration without a hearing and smacks of judicial action only post hoc as a rubber stamp ratification of a Montana Department of Corrections fait

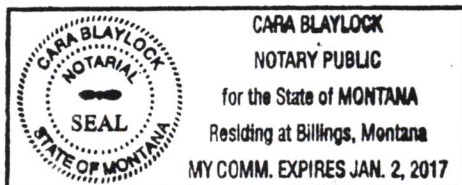
accompli. Beyond Mr. Arnaud's personal situation, this instance illustrates one of the ways by which the Montana Department of Corrections keeps the prison population up and supports its contractors that provide incarceration services.

DATED this 17th day of July, 2013,

James B. Cox
James B. Cox, Witness

State of Montana ss
County of Yellowstone

On this 17th day of July, 2013, before me, a notary public for the State of Montana, personally appeared James B. Cox, proved to me on the basis of satisfactory identification to be the person whose name is subscribed to the foregoing affidavit, and signed it in my presence, acknowledging to me that he executed said instrument, in witness whereof I set my hand hereto and affix my notarial seal.



Cara Blaylock
Notary Public for the State of Montana, residing at

1 Montana

My commission expires on: 1

CERTIFICATE OF SERVICE

I certify that on July 17th, 2013, I served the foregoing Affidavit upon Gallatin County Attorney Marty Lambert by depositing it with postage prepaid in first class U.S. Mail addressed to him at the Judge Guether Memorial Center, 1709 West College, Bozeman, Montana 59715 and upon the Defendant by depositing it with postage prepaid in first class U.S. Mail addressed to him as Devon W. Arnaud, 3001508, at Montana State Prison, 700 Conley Lake Road, Deer Lodge, Montana 59722.

James B. Cox
James B. Cox

EXH. 1
James B. Cox
2822 Poly Drive
Billings, MT 59102

April 2, 2013

Devon W. Arnaud, 3001508
c/o Great Falls Regional Prison
3800 Ulm North Frontage Road
Great Falls, Montana 59404

Devon, beloved of our Father, brother of Christ, dwelling of the Spirit, light in Great Falls,

Jesus light each next step as you follow Him and the whole direction and goal before you;
Jesus fill you with His light and make you a light to others; Jesus multiply His wisdom and
grace and peace in you and through you, and continue to grow you anew in His new life!

As I am reliably told by a tested brother in Christ that you are walking steadfast in Him, I am
writing to offer you a place to stay as my houseguest at my address above from the date of
your release until you are on your feet—that is, recovered from any residual effects of the
environment you are enduring, stably employed, having transportation including license and
vehicle, and savings adequate to afford to furnish and rent a place of your own. I can also
provide you transportation from Great Falls to Billings if you give me a firm date and time to
pick you up. I greatly look forward to meeting you.

Also, I would like to find out from you if your sentence will be discharged upon you release,
or if not, the terms and conditions of your release so that I may assist you in meeting them.
If you have, or if there are, any questions about this, please write.

To Jesus, who is able to do more than we could think to ask, be all power, honor and glory!

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Jim Cox

EXH. 2

James B. Cox
2822 Poly Drive
Billings, MT 59102

April 14, 2013

Devon W. Arnaud, 3001508
Crossroads Correctional Center
50 Crossroads Drive
Shelby, Montana 59474

Devon, loved by our Father, saved by Christ, led by the Spirit, witness in Shelby,

Jesus bless you and make you a blessing to all around you; Jesus fill you to overflowing with His living water and bring to you those He is making thirst for Him; Jesus keep you in His provision and protection and power and peace!

Attached is a copy of my letter to you of April 2, which has not been returned to me. Since then there is one addition and one subtraction I need to make: I can also offer you use of a cellphone of mine to help you getting employment, etc., but as I am now told you will not be released until mid-July, I need to ask you to arrange for public transportation as far as the Billings terminal on your own, and let me know exactly when you can be picked up there.

Please let me know by return mail if there are any preparations I should try to make beyond those above and in my attached letter. I look forward to meeting you and to seeing you free-
-see John 8:36.

Now to Jesus, who is able to complete all He began in you, be all honor and glory and power!

/s/
Jim Cox

Attachment

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

June 5, 2013

Devon W. Arnaud, 3001508
Crossroads Correctional Center
50 Crossroads Drive
Shelby, Montana 59474

Devon, Brother in Christ in Shelby,

Jesus bless you and make you a blessing where you are and bring you out timely!

My letters to you of April 2 and 14, in which I offered you a place to stay as a houseguest at my address above while you find employment and get on your feet, have not been returned by the post office. If you have not received them, please write me back and I will resend.

Several times I have received attempted collect calls from you, which I cannot accept because when I experienced identity theft, I disabled acceptance of any collect or third party calls. I provided my phone number to you only for officials' use to verify my offer of a residence. I realize the reluctance to do anything which would reduce opportunities to recycle a released prisoner to protect and increase the revenues of incarcerators and I realize the desire for plausible deniability concerning that, but I will not gratify cravings for nonrecord communications to advance such unwholesome reluctance and desire.

The bald fact is that to the Montana Department of Corrections and its contractors, a prisoner restored to society is an income stream lost, and a probationer or parolee successful at meeting his or her conditions of sentence--plus additions by the Board of Pardons and Parole, plus additions by local probation and parole officials--is an income stream lost to Probation & Parole and their contractors. We citizens have a number of documented examples of the outworking of this to present to a committee of the Legislature soon. If your situation is to be useful as a further example, I need hard copy documentation of it.

There is a brother in Christ staying in my house now who is an ex-felon resplendently showing his new life in Christ. Why are you not contacting him? Are you being discouraged from that by officials? Please tell me plainly. I understand how his success and his encouragement of others frustrates those who would profit from recycling him and them. I also understand those of darkness will not come into the light lest their deeds be exposed.

Jesus always favors light as He *is* light, and favors justice as He is just. The consistent pattern in the Bible is first we are attacked, then we pray, then Jesus intervenes, then in Him we triumph, then we celebrate: our victories begin with being afflicted.

Affliction includes both abuse (as in imprisoning Paul and Silas in Philippi) and threat of abuse (as in the Sanhedrin threatening apostles for proclaiming Jesus) but Jesus bless you in this and make you a blessing to others through it! Please write to me, and I will reply.

Jesus guide you and complete all He has begun in you, to His honor and glory!

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

July 12, 2013

Michael D. Sullivan, MSW
304 Grand Avenue
Billings, Montana 59101

Dear Dr. Sullivan,

This refers to voicemail that I left for you at 245-4566 concerning counseling for Devon W. Arnaud. As the time is short and I have not received a return call yet, I repeat the circumstances and my enquiry:

You were referred to me by name by Andrew S. Balsam of Balsam, Cerise, & Schmidt Counseling & Consulting as an expert in therapy for sexual obsessive/compulsive behaviors. On July 17, Mr. Arnaud will discharge his sentence for the offense of sexual intercourse without consent. I have offered Mr. Arnaud to reside as my houseguest at the address above following his release until he can get a job, transportation, and money to rent a place.

Due to being moved from the Montana State Prison first to a facility in Great Falls, then to a private prison at Shelby, Montana--neither a place where where a treatment program is available--Mr. Arnaud will not complete phase II of the Sex Offender Treatment Program before he discharges his sentence. I am told that you are an approved provider by the Montana Sexual Offender Treatment Association.

Therefore, this is to ask you about providing Mr. Arnaud treatment here equivalent to completing that "phase II" as a private patient. In the last few days he has been moved back to the Montana State Prison. Although he can not receive phone calls there that I know of, he can receive mail at the address below if you have information that you can send him. I look forward with confidence to Mr. Arnaud's full restoration to society.

Mr. Arnaud is not experienced with contracts. I have exhorted him as I do everyone, to not sign any contract that he has not read and understood, and to keep a copy of any contract that he signs.

Please contact me if I can be any help to him while under your treatment.

Sincerely,



James B. Cox

cc: Devon W. Arnaud, 3001508
700 Conley Lake Road
Deer Lodge, Montana 59722

James B. Cox
2822 Poly Drive
Billings, MT 59102

July 13, 2013

Devon W. Arnaud, 3001508
Montana State Prison
700 Conley Lake Road
Deer Lodge, Montana 59722

Devon, brother of Christ, dwelling of the Spirit, beloved of our Father,

Jesus be light on you and in you and through you as He is Light; Jesus bless you in what you are going through and by it make you a blessing to others in your situation; Jesus bring you out of the machinations of the incarceration industry as He has set us free for freedom.

Galatians 5:1 that I allude to there applies to every bondage, whether bondage to an addiction/ obsession/compulsion/sin, or bondage to coercive administrative entanglements which work to prevent past offenders from being restored to the community, which would cut cashflow to public and private incarceration institutions and to contractors that profit from supervising the conditions under which prisoners become "conditionally released."

Their sordid commerce is coming to light. The Board of Pardons and Parole and their local subordinate officials are up to their eyeballs in this--but the Montana Department of Corrections own published statistics, technical violations--that is, actions which are perfectly lawful for other people--account for 93% of prisoners returned to prison by that Board, serving to support and swell the Montana Department of Corrections' shouts for ever more cash from taxpayers to finance both the Montana State Prison and--increasingly--private prisons operated under contract to the Department.

But since you would be discharged, not released before your discharge date, your instance indicates that it is not solely a device of the Board of Pardons and Parole to reincarcerate ex-offenders lest they be lost to the incarceration industry by being permanently restored to society. But your case shows how the Montana Department of Corrections acts to continue incarceration of prisoners through technical devices.

To establish the facts from public records, this past Wednesday, I traveled to Bozeman and purchased from the the Montana 18th Circuit Court Clerk a copy of the records on your case DC-07-125C from your sentencing order forward to that day, July 10, 2013.

It shocked me.

Since you were at risk of a period of incarceration of 10 years, I expected to find the name of a public defender on a certificate of service of the Petition to Revoke. But there was none--not only no public defender, but no certificate of service at all, even to you pro se!

But I found you on the Montana Department of Corrections internet prisoner locator, so I am sending it as attachment 1 to this letter to inform you. And as you may be representing yourself in this, Attachment 2 and 3 to this letter show even more sly devices of County Attorney Marty Lambert to effect your continued incarceration: equating completion of sentence with parole and equating private facilities not providing SOP II with MSP.

As shown in Attachment 2, page 7 of your sentence says in part, "The defendant shall attend and successfully complete a sexual offender treatment program approved by the Montana Sexual Offender Treatment Association. If incarcerated at Montana State Prison the defendant shall successfully complete Phases I and II of the Sex Offender Treatment Program prior to being eligible for parole." But you were moved from MSP to Great Falls and then to Shelby, preventing you from attending. Dates were blacked out in Attachment 3 as provided to the Court; the date of your removal from MSP was not in the court filing.

Thus, the information I have purchased from the court shows that prisoners are prevented from completing treatment required for parole by moving them from the Montana State Prison, and that the same means is used to prevent prisoners from discharging their sentences, even though that is not a condition of their sentences for discharging their sentenced period of incarceration. That is squalid.

If you are indeed representing yourself, these are matters you should present to the court; if you come to have a public defender, he or she should. Some public defenders do not act in the interest of prisoners. Don't let such a malefactor help the County Attorney railroad you!

I will include these two issues in an affidavit that I will submit, with copy to you.

But about residing as a houseguest here as I offered you until you get on your feet, you did not tell me about your sentencing condition shown in Attachment 3 (2 pages) concerning your residence during the suspended portion of your sentence.

It requires that while you live here, my computer may be searched unless it is kept in a locked room to which you have no access. I'm glad I found out about that timely, as it will require considerable preparation before your arrival to put in an interior wall with locking door, reconfigure my home security system, and install an additional air return to rebalance my forced air heating and cooling system in the house.

Therefore, please let me know timely your hearing date so I can attend. Meanwhile, since you are back at MSP, do apply immediately in writing for SOP 11 and send me a copy of your application so I can present it at your hearing. And also do whatever you are allowed which will help you secure employment outside. I have helped many others write resumes, and will help you, but one will only get you as far as an interview--that's its purpose. Having got an interview, expect your interviewer to scrutinize your character and self-presentation. Be honest and forthright, and show your interest in the work, not only the benefits.

Even in MSP, seek to expand your skills by volunteer work--the experience counts the same as paid employment. Prison staff typically train prisoners only to be good prisoners, not to succeed outside, but do not adopt their image of you, nor get depressed about their machinations. And if you're after physical work at first, look like it: as you are allowed, hit the weights. A prospective employer looks for signs of diligence instead of sloth.

And especially, when you're overburdened, lean on Jesus; stay aware that as you are in Him, He is with you in what you go through. Psalm 23 says, "yea though I walk through the valley of the shadow of death..," not walk into it and stay there. Keep going!

I look forward to seeing you and to seeing you free! --John 8:36.

EXP.
James B. Cox
2822 Poly Drive
Billings, MT 59102

July 14, 2013

Probation/Parole Officer Monty Warrington
3800 Ulm North Frontage Road
Great Falls, Montana 59403

Dear Mr. Warrington:


This is a request for a copy of public writings in accordance with Montana Code Annotated 2-6-102 and its following paragraphs, which implement Article II, Section 9 of the Constitution of the State of Montana. I am a citizen of Montana residing at the address above. I hereby agree to pay up to \$20 for the copies of the public records that I request below. If the fee for providing me the copies I am requesting will be more than that amount, please send me a copy of the regulation or other authority used in setting those fees.

On March 21, 2013, you signed an Affidavit in Support of Petition for Revocation of Order Suspending Sentence in Cause DC-07-125. Attached to it as filed in the 18th Montana Judicial District Court, Gallatin County, Montana in Bozeman is a redacted copy of <http://corhlnoraprd001:8080/OMIS/offenderIncidentsHearing/Action.do?method=list>, a Decision/Hearing Listing. Please send me an unredacted copy of that document.

Please also send me a copy of any public record by which Devon W. Arnaud applied for probation or parole in the area served by the office shown above at 3800 Ulm North Frontage Road in Great Falls, a copy of any record by which you were assigned to be his probation or parole officer, and a copy of any record of any meeting you had with him before March 21, 2013. I look forward to receiving the copies responsive to this request.

If you have any questions about this, please write to me at my address above.

Sincerely,


James Cox

cc: Devon W. Arnaud, 3001508
700 Conley Lake Road
Deer Lodge, Montana 59722

James B. Cox
2822 Poly Drive
Billings, MT 59102

July 15, 2013

Gallatin County Attorney ^{MARTY} ~~Monty~~ Lambert
1709 West College
Bozeman, Montana 59715 ^{je}

Sent via computer

Dear Mr. Lambert:

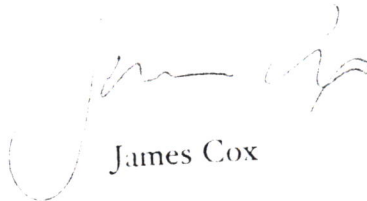
This is a request for a copy of public writings in accordance with Montana Code Annotated 2-6-102 and its following paragraphs, which implement Article II, Section 9 of the Constitution of the State of Montana. I am a citizen of Montana residing at the address above. I hereby agree to pay up to \$30 for the copies of the public records that I request below. If the fee for providing me the copies I am requesting will be more than that amount, please send me a copy of the regulation or other authority used in setting those fees.

On July 1, 2013, you signed a Petition to Revoke Suspended Sentence and an Affidavit of Probable Cause in Support of Petition to Revoke in Cause DC-07-125. That affidavit has significant omissions. Please send me a copy of any public record showing the date on which Devon W. Arnaud was moved from the Montana State Prison to the Regional Prison in Great Falls, Montana, and the date he was moved from there to the private prison in Shelby, Montana, and the date he was recently moved from there back to the Montana State Prison, where he was located as of yesterday afternoon.

Please also send me a copy of any public record showing that "SOP II" which you refer to in your petition is conducted at the Regional Prison at Great Falls, Montana, and any public record showing that it is conducted in the private prison in Shelby, Montana.

I look forward to timely receiving from you the copies responsive to this request. If you have any questions about this, please write to me at my address above. Thank you very much for your attention to this.

Sincerely,


James Cox

cc: Devon W. Arnaud, 3001508
700 Conley Lake Road
Deer Lodge, Montana 59722

**James B. Cox
2822 Poly Drive
Billings, MT 59102**

July 16, 2013

Mike Battista, Director
Montana Department of Corrections
5 South Last Chance Gulch
Helena, MT 59602

Dear Director Battista:

This is a request for a copy of public writings in accordance with Montana Code Annotated 2-6-102 and its following paragraphs, which implement Article II, Section 9 of the Constitution of the State of Montana. I am a citizen of Montana residing at the address above. If copies of the public records that I request below are already publicly posted somewhere, please tell me where to find them. If not, I hereby agree to pay up to \$50 for copies of them. If the fee for providing me the copies will be more than that amount, please send me a copy of the regulation or other authority used in setting those fees.

The Montana Department of Corrections has had a culture of secrecy about its operations and contractor relationships even to the point of breaking the law. I hope for that to change under your directorship. I don't know which of your subordinate officials would have a copy of the contracts that I request below. The reason I am requesting them is that I have encountered an instance of a prisoner who is required to complete a certain group course before release has been prevented from completing it by being moved from the Montana State Prison where it is conducted to other locations where it is apparently not.

On April 2, 2013, I offered that man a place to reside as my houseguest at my address above upon his release until he can get on his feet with a job, transportation, and enough earned money to get a place of his own. I have done the same successfully for many others. I realize how this volunteer community assistance reduces opportunities for reincarceration, but it accords well with the Montana Department of Corrections' published mission statement that it "enhances public safety, promotes positive change in offender behavior, reintegrates offenders into the community and supports victims of crime."

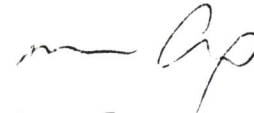
I have already requested a copy of the contract between the Montana Department of Corrections and Robert Bakko, doing business as Northwest Counseling, but it has been unlawfully withheld. The situation giving rise to that request was that when, due to hospitalization, a parolee was unable to pay counseling fees at a group session when due, he was expelled from the group the following day and the day after that arrested for violating his parole by nonattendance, and then reincarcerated for that sole reason. I am told that Michael Sullivan may hold a similar contract--indeed, one may cover his entire practice.

Therefore, please send me (1) a copy of the contract between Montana or any Executive Branch suborganization and the Corrections Corporation of America applying to the facility at Shelby, Montana, which was in effect between November 1, 2012 and July 15, 2013; (2) a copy of any contract in effect between Montana or any Executive Branch suborganization and the Regional Prison at Great Falls, Montana, in effect during the same timeframe; (3) a copy of any contract currently in effect between Montana or any Executive Branch suborganization and Michael Sullivan, MSW, under which probationers, parolees, and other

conditionally freed convicts are assigned to attend counseling; and (4) a copy of any contract in effect between Montana or any Executive Branch suborganization and providers of rental electronic shackles in the Billings, Montana area. Thank you very much for your attention to this. I look forward to timely receiving from you the copies responsive to this request.

If you have any questions about this, please write to me at my address above.

Sincerely,

A handwritten signature in dark ink, appearing to read 'JC' or 'JC Cox', written in a cursive style.

James Cox